

### **REMARKS**

This responds to the Office Action dated November 2, 2006, and the references cited therewith.

Claims 17-31 are amended, and claims 32-36 are canceled. Claims 17-31 are now pending in this application.

#### **In the Specification**

The specification has been amended to update the priority data. No new matter has been added.

#### **Affirmation of Election**

As provisionally elected by Applicant's representative, Timothy E. Bianchi, on October 27, 2006, Applicant elects to prosecute the invention of Group I claims 17-31. The claims of the non-elected invention, claims 32-36, have been cancelled. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

#### **§112 Rejection of the Claims**

Claims 17-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended herein in a manner believed to overcome the rejections.

#### **§102 and §103 Rejection of the Claims**

Claims 17, 21, 25 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hochman (U.S. Patent No. 4,515,167). Claims 17, 18, 21, 25, 26 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Stover (U.S. Patent No. 6,804,561). Claims 18-20, 22-24 and 27-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hochman (U.S. Patent No. 4,515,167) or over Stover (U.S. Patent No. 6,804,561) for claims 19, 20, 22-24, 27-29 and 31. The rejections are traversed and reconsideration is respectfully requested.

Claim 17, as amended, recites a method for operating an implantable medical device that includes: 1) transmitting or receiving radio-frequency (RF) signals using RF circuitry connected to a dipole antenna formed by first and second conductive portions of a housing of the implantable medical device, 2) matching an impedance of the dipole antenna to the RF circuitry at a specified carrier frequency using an antenna tuning circuit, 3) delivering electrostimulation from therapy circuitry of the implantable medical device using a therapy lead and the housing as electrodes, and 4) employing the antenna tuning circuit as a high-pass filter to block low-frequency energy generated by the electrostimulation from being received by the RF circuitry. Applicant can find no teaching or suggestion in the prior art of record for these limitations and believes that the rejections of claim 17 and dependent claims 18-31 have been overcome.

Claims 18-31 recite additional limitations to the patentable subject matter recited by claim 17, which limitations are asserted to be neither taught nor suggest by the cited prior art. With regard to the rejections of claims 18-31 under section 103 before their amendment herein, Applicant generally traverses the assertion of things "known to one of skill in the art" as a form of Official Notice and requests a reference to support such assertions pursuant to MPEP 2144.03, or their withdrawal in the next official communication.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


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By their Representatives,

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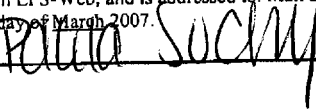
Date 3-2-07

By

  
J. Kevin Parker  
Reg. No. 33,024

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of March 2007.

Name



Signature

